



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.06.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.11170 of 2016

and

W.M.P. (MD) No.8589 of 2016

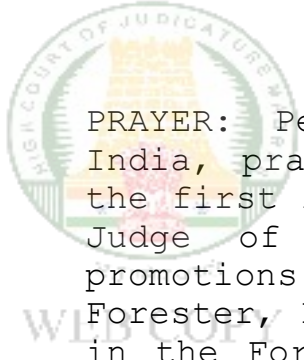
D.Mahendra Prabhu

.. Petitioner

vs.

- 1.The State of Tamilnadu,
represented by its Chief Secretary,
Secretariat,
St.George Fort, Chennai.
- 2.The State of Tamilnadu,
represented by its Principal Secretary,
Department of Environment and Forest,
Secretariat,
St.George Fort, Chennai.
- 3.The Principal Chief Conservator of Forests,
Head of the Forest Force,
Panagal Building,
Saidapet, Chennai-14.
- 4.The Comptroller and Auditor General of India,
O/o The Comptroller and Auditor General of India,
Pocket-9, Deen Dayal Upadhaya Marg,
New Delhi - 100 124.
- 5.The Accountant General (GSSA),
Tamilnadu & Puducherry,
Lekha Pariksha Bhavan,
361, Anna Salai, Tenampet, Chennai-18.
- 6.The State of Tamilnadu,
represented by its Principal Secretary,
Department of Finance,
Secretariat, St.George Fort,
Chennai.

.. Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first respondent to constitute a Committee headed by a retired Judge of this Court to enquire into the appointments and promotions made in the posts of Forest Watcher, Forest Guard, Forester, Forest Range Officer and Assistant Conservator of Forest in the Forest Department and further direct the first respondent to take necessary stringent action as per law based on the Commissioner's report to be filed on completion of the Commissioner's enquiry.

For Petitioner :Mr.S.M.Anantha Murugan

For Respondents :Mr.R.Anandha Raj
Government Advocate

ORDER

The petitioner, Mr.D.Mahendra Prabhu, has again come to this Court with this Writ Petition seeking a wider prayer for issuance of Writ of Mandamus directing the first respondent to constitute a Committee headed by a retired Judge of this Court to enquire into the appointments and promotions made in the posts of Forest Watcher, Forest Guard, Forester, Forest Range Officer and Assistant Conservator of Forest in the Forest Department and further direct the first respondent to take necessary stringent action as per law based on the Commissioner's report to be filed on completion of the Commissioner's enquiry.

2. It is the claim of the petitioner that he was appointed on 25.08.2008 in the Forest Department with driving licence. But several other persons, who are appointed subsequent to him, were given higher promotion overlooking his seniority. Citing the names of two persons viz., P.Sundaram and Anbazhagan, he would submit that P.Sundaram was appointed as Forest Watcher in the year 2003 and K.Anbazhagan was appointed as Forest Watcher on 28.05.2013 and now they are given promotion faster than the petitioner. As a result, the petitioner has been put to grave prejudice.

3. Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. Though, it is contended before this Court that P.Sundaram, who was appointed in the year 2003 in the post of Forest Watcher, was given promotion overlooking the petitioner's seniority, the learned Counsel for the petitioner is unable to produce any proceedings to support his contention that P.Sundaram appointed as Forest Watcher in the year 2003 was given promotion. Secondly by stating another name K.Anbazhagan, who was appointed as Forest Watcher on 28.05.2013, yet again miserably failed to file any



proceedings to show that he was given promotion overlooking the petitioner's seniority. Therefore, the prayer made by the petitioner to conduct enquiry with regard to the alleged illegal appointment cannot be ordered.

5. The petitioner has already filed a Writ Petition in W.P. (MD) No. 496 of 2015 challenging 171 persons' illegal appointments and the same is pending before this Court. Therefore, this Court is not inclined to entertain this Writ Petition. Accordingly, finding no merits in this Writ Petition, it is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

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To

1. The Chief Secretary, State of Tamilnadu,
Secretariat, St. George Fort, Chennai.
2. The Principal Secretary, State of Tamilnadu,
Department of Environment and Forest,
Secretariat, St. George Fort, Chennai.
3. The Principal Chief Conservator of Forests,
Head of the Forest Force, Panagal Building,
Saidapet, Chennai-14.
4. The Comptroller and Auditor General of India,
O/o The Comptroller and Auditor General of India,
Pocket-9, Deen Dayal Upadhaya Marg, New Delhi - 100 124.
5. The Accountant General (GSSA), Tamilnadu & Puducherry,
Lekha Pariksha Bhavan, 361, Anna Salai, Tenampet, Chennai-18.
6. The Principal Secretary, State of Tamilnadu,
Secretariat, St. George Fort, Chennai.

+1CC to Spl. Government Pleader Sr.No.32721

GJM/DB/1.7.16-3p-8c

W.P. (MD) No. 11170 of 2016
23.06.2016